

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, MAY 3, 2010**

A Regular Meeting of the Deltona City Commission was held on Monday, May 3, 2010 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 6:3 p.m. by Mayor Mulder.

**2. ROLL CALL:**

Mayor	Dennis Mulder	Present
Vice Mayor	Michele McFall-Conte	Present (via phone)
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Paul Treusch	Absent (Excused)
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	Gary J. Cooney	Present
City Clerk	Joyce Kent	Present

Also present: Planning and Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Finance Director Robert Clinger; Deputy City Manager Dave Denny; Parks & Recreation Director Steve Moore; Information Technologies Manager Steve Narvaez; Fire Marshal Chris Nabicht; Fire Chief Robert Staples; and Public Works Director Glenn Whitcomb.

**3. SILENT INVOCATION AND PLEDGE TO THE FLAG:**

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

Encore with Pine Ridge High School sang the National Anthem.

**4. APPROVAL OF MINUTES & AGENDA:**

**1. Regular City Commission Meeting – April 19, 2010.**

**Motion by Commissioner Carmolingo, seconded by Commissioner Denizac to adopt the minutes of the Regular City Commission Meeting of April 19, 2010 as presented.**

**Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

**B. Additions or Deletions to Agenda:** None.

**5. PRESENTATIONS/AWARDS/REPORTS:**

**A. Presentation - Superstar Students of the Month Certificates – April, 2010.**

Mayor Mulder presented the Superstar Students of the Month for April, 2010 to Noah Leonard, 3<sup>rd</sup> grade at Timbercrest Elementary School; Ashleigh Brown, 4<sup>th</sup> grade at Deltona Lakes Elementary School; and Taylor Hobart, 4<sup>th</sup> grade at Discovery Elementary School.

**B. Presentation – William S. Harvey Scholarship Award Certificates.**

Mayor Mulder introduced the William S. Harvey Scholarship Selection Committee members and staff liaison to the Committee who assisted in presenting the Scholarships to the recipients. Ms. Heidi Hertzberg congratulated all the applicants and the recipients. She encouraged everyone to recycle so that more scholarships could be awarded in the future.

**C. Proclamation – Stamp Out Hunger – May 8, 2010.**

Mayor Mulder read the Proclamation into the record and presented it to Lynne Pendleton with the United States Post Office (USPO) in recognition of the National Association of Letter Carriers who are preparing for the 18<sup>th</sup> anniversary of the “Stamp Out Hunger” food drive to be held on Saturday, May 8, 2010 and encouraged citizens to place their donation of a food article in a plastic bag outside their home or by their mailbox for the carriers to pick up. Ms. Pendleton thanked everyone in advance for their support and it is the hope of the USPO to collect more than one thousand pounds of food.

**D. Proclamation – Building Safety Month – May, 2010.**

Mayor Mulder read the Proclamation into the record and presented it to the Building Official Cy Butts declaring May, 2010 “Building Safety Month” and encouraged citizens to consider projects to improve building safety at home and in the community and to recognize the local building safety and fire prevention officials and the important role they play in public safety.

**E. Proclamation – 2010 National Arson Awareness Week – May 2 - 8, 2010.**

Mayor Mulder stated he did not have the proclamation but, that he would present it in the future.

**F. Proclamation – Emergency Medical Services Week – May 16 - 22, 2010.**

Mayor Mulder presented the Proclamation to Fire Chief Staples declaring the week of May 16 – 22, 2010 as EMS Week and encouraged the community to observe this week with appropriate programs, ceremonies and activities.

**G. Presentation – Deltona Fire Department EMT of the Year.**

Not presented.

**H. Presentation – Deltona Fire Department Paramedic of the Year.**

Mayor Mulder and Fire Chief Staples presented the Deltona Fire Department Paramedic of the Year Award to Eddie Nieto for outstanding service to the department and the community.

**I. Presentation – Deltona Fire Department Civilian Service Awards.**

Mayor Mulder and Fire Chief Staples presented the Deltona Fire Department Civilian Service Awards to the recipients for personal assistance in apprehending an arsonist, or extending oneself beyond one's own safety to provide prompt action to aid people who are in danger or need.

**J. Presentation – Quarterly Board/Committee Reports**

- **Economic Development Advisory Board**

Board member Robert Desmond stated the Deltona Economic Development Advisory Board has had the honor of having an elected member as its guest at its monthly meetings such as Mayor Mulder, Commissioner Denizac and Commissioner Deyette. One of the items that came out of the meeting with Mayor Mulder was focusing on “public awareness” and two (2) town hall meetings have already been set up. In the last quarter the Board has discussed ways of making Deltona commercial-friendly by offering incentives, streamlining the permitting process and even possibly creating a partnership with a developer by offering City property; discussion regarding a “live and work” concept; and Mr. Steve Burley, Director of Economic Development from Daytona State College discussed the idea of teaming up with Daytona State College and possibly putting together an incubator program where training could be offered to high school seniors in this area that perhaps may not be looking towards college but could be looking towards learning a trade.

- **Planning & Zoning Advisory Board**

Chairperson Katrina Ekman stated the Planning and Zoning Board met on January 20<sup>th</sup>, February 17<sup>th</sup> and March 17<sup>th</sup>. The Board members welcomed new members Nobel Olasimbo and Tom Burbank and Chris Bowley introduced City Attorney Gary Cooney to the Board. The Board heard two (2) Final Site Plans, two (2) Reviews, four (4) announcements, one (1) other business and one (1) election of officers.

- **William S. Harvey Scholarship Selection Committee.**

Committee member Heidi Hertzberg stated in the year 2007/2008 there were 40 applicants of which 28 scholarships were awarded totaling \$50,000; in 2008/2009 there were 28 applicants of which 15 scholarships were awarded totaling \$25,000; and in 2009/2010 there were 43 applicants of which 15 scholarships were awarded totaling \$25,000 bringing the grand total to 111 applicants and 58 scholarship awards for a total of \$100,000.

Mayor Mulder stated there were approximately 40 people from the public that wanted to speak on the same subject and he asked that the group choose between three (3) and five (5) representatives to speak for the full amount of time.

Mr. Cooney stated the Commission had the ability to limit the time to speak particularly if it is repetitive.

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

- a) David Santiago, 2631 Eustace Ave., spoke regarding allowing the public to speak during the public forum portion of the agenda, in favor of the Deltona Youth Soccer Club (DYSC) running the concession stand and his disappointment regarding research which was done on the Cavallero property.
- b) Michael E. Williams, 2889 Cottageville St., spoke regarding the Martin Luther King Blvd. sign being installed, doing a commemorative celebration for Martin Luther King Jr., the NAACP Banquet and he gave back money to the City regarding a “cancellation of an NSP contract”.
- c) Randy Hollensbe, 3305 Red Fox Dr., spoke regarding the concession stand not being allowed to operate during Springfest and other events.
- d) Sherry Greene, 575 Sandy Pines Dr., spoke regarding the City’s parks being for the children, the Parks & Recreation webpage and how the concession stand helps to lower the registration fees for those in the soccer program.
- e) Karen Hollensbe, 3305 Red Fox Dr., spoke regarding the sign at Dewey O’ Boster Park, eliminating funding options for DYSC, the league traveling out of the area for funding assistance, choosing to raise families in Deltona and having the Commission look at the Parks & Recreation Department.
- f) Michael P. Kelton, Attorney representing DYSC, 142 E. New York Ave., DeLand, spoke regarding the City being able to use the concession stand, blocking access by DYSC to the concession stand and limiting the public forum to a certain amount of speakers.
- g) Keith Craven, 1268 Homeway Lane, spoke regarding members of the public being dismissed from speaking during the public forum, the validity of DYSC’s position, the Commission stepping into a contractual agreement and he asked the Commission to vote to honor DYSC’s current contract.

Commissioner Denizac urged Mayor Mulder to reconsider allowing everyone who wanted to speak from the public to speak.

Commissioner Zischkau objected to what was being asked by Mayor Mulder because it was being done without the approval of the Commission.

Mayor Mulder called a twelve (12) minute recess at 7:45 p.m. at which time he asked Captain Brannon to clear the City Commission Chambers and Mayor Mulder called the meeting to order at 7:57 p.m.

Mayor Mulder stated he appreciated people having passion but, it is important that the process be respected and there is a certain amount of decorum that is kept in meetings which is why he asked to have the City Commission Chambers cleared.

Commissioner Denizac stated she is saddened by what has taken place and she urged Mayor Mulder to adjourn the meeting.

**Motion by Commissioner Denizac, seconded by Commissioner Zischkau to adjoin the entire meeting.**

Commissioner Carmolingo stated the Commission should be more involved with what is happening with the soccer clubs in regards to making sure the youngsters have what they need.

Vice Mayor McFall-Conte stated the Commission needed to continue with the business of the City and she suggested that the Commission not have Commission Comments as a compromise to Commissioner Denizac's motion.

Commissioner Zischkau stated he believes Mayor Mulder and Commissioner Carmolingo have misrepresented what happened this evening because Mayor Mulder made the comment that the City Commission Meeting is a forum much like a court room which is not true. He stated in a court room the judge controls the proceedings himself and in a Commission Meeting the Commission as a whole, when it is properly ordered, controls the proceedings therefore the Mayor has, without the Commission's approval, limited debate. He stated he thinks the thing that needs to change is to provide the right of free speech.

Commissioner Denizac stated there is a lot of tension and she urged the Commission members to stop and not throw punches.

**Motion failed with members voting as follows:**

Commissioner Carmolingo	Against
Commissioner Denizac	For
Commissioner Deyette	Against
Commissioner Zischkau	For
Vice Mayor McFall-Conte	Against
Mayor Mulder	Against

**7. CONSENT AGENDA:**

**Motion by Commissioner Carmolingo, seconded by Commissioner Deyette to approve Consent Agenda Items 7-A through 7-C.**

**Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

**\*A. Approval of Agreement between the City and EGP, Inc. to provide maintenance and supplies for City-owned multi-functional printers.**

**Approved by Consent Agenda – to approve the service agreement between the City of Deltona**

and EGP, Inc. for the provision of maintenance and supplies for the City-owned multi-functional printers, for the initial period ending September 30, 2010, with the option to renew for four (4) additional one-year periods upon written agreement of both parties.

**\*B. Request to Certify Engineering Firms as Qualified to Perform Construction, Engineering and Inspection (CEI) Services for Ft. Smith Blvd. Section II Project.**

Approved by Consent Agenda – to certify, Dyer, Riddle, Mills & Precourt; Bowyer Singleton & Associates; Reynolds, Smith and Hills CS; and Wilbur Smith Associates and Professional Service Industries as qualified to perform Construction, Engineering and Inspection Services for the City, as it pertains to the Ft. Smith Blvd., Section II project and to move into negotiations within the guidelines of F.S. 287.055.

**\*C. Request for Approval to Piggyback Volusia County's Agreement with ISS Facility Services for Janitorial Services.**

Approved by Consent Agenda – to award to ISS Facility Services for an initial period through September 30, 2010 for a cost of \$ 13,492.87, and an annual cost of \$35,790.72 for Janitorial Services at City Hall and the Social Services Building; with renewals, upon annual appropriation, in accordance with the Volusia County Contract.

**8. ORDINANCES AND -PUBLIC HEARINGS:** None.

**9. OLD BUSINESS:** None.

**10. NEW BUSINESS:**

**A. Resolution No. 2010-07, Amending the Budget for the 2009-2010 Fiscal Year.**

Motion by Commissioner Denizac, seconded by Commissioner Carmolingo to adopt Resolution No. 2010-07 to approve the budget amendment and the appropriation of funds in the amount of \$225,000 from the City of Deltona's General Fund fund balance to cover legal fees charged by Fowler & O'Quinn, Feeney & Sneed, P.A. working as Acting City Attorney; to approve the budget amendment in the amount of \$5,000 to increase the William S. Harvey Scholarship Fund and to increase recycling revenue by \$5,000; and to approve the appropriation of funds from the City of Deltona's General Fund fund balance in the amount of \$35,244 and to transfer said funds from the City of Deltona's General Fund to the Parks Projects Fund to finance the purchase of backdrop netting for DuPont Lakes Park.

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA AMENDING THE BUDGET FOR THE 2009-2010 FISCAL YEAR; PROVIDING FOR THE AMENDMENT OF THE 2009-2010 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Zischkau asked how much the General Fund balance is currently and Ms. Miller replied approximately \$16 million which has not all been appropriated but, it is all accounted for

in the budget. Ms. Miller stated the Commission had already authorized the expenses and this is a formality to transfer the money to the proper accounts.

Commissioner Zischkau stated in this Resolution which amends the budget and changes how the City will spend money, something is being changed. Mr. Clinger replied it is new spending above and beyond what was originally approved, it is not just a change which will dip into Fund Balance and funds are not being moved from one line item to another.

**Motion carried with members voting as follows:**

<b>Commissioner Carmolingo</b>	<b>For</b>
<b>Commissioner Denizac</b>	<b>For</b>
<b>Commissioner Deyette</b>	<b>For</b>
<b>Commissioner Zischkau</b>	<b>Against</b>
<b>Vice Mayor McFall-Conte</b>	<b>For</b>
<b>Mayor Mulder</b>	<b>For</b>

**B. Consideration of an Interlocal Agreement with Volusia County, City of Deland, City of Deltona and the City of Orange City to contract with Quentin L. Hampton & Associates; for peer review of the West Volusia Transient Groundwater Model and related activities.**

**Motion by Commissioner Denizac, seconded by Commissioner Deyette to authorize the City Manager to execute the Agreement between the Suppliers to contract with a consultant to evaluate the groundwater model provided by the St. John's River Water Management District and to study alternative water sources to meet future need.**

**Motion carried with members voting as follows:**

<b>Commissioner Carmolingo</b>	<b>For</b>
<b>Commissioner Denizac</b>	<b>For</b>
<b>Commissioner Deyette</b>	<b>For</b>
<b>Commissioner Zischkau</b>	<b>Against</b>
<b>Vice Mayor McFall-Conte</b>	<b>For</b>
<b>Mayor Mulder</b>	<b>For</b>

**Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to suspend City Commission Comments for tonight.**

**Motion carried with members voting as follows:**

<b>Commissioner Carmolingo</b>	<b>For</b>
<b>Commissioner Denizac</b>	<b>Against</b>
<b>Commissioner Deyette</b>	<b>For</b>
<b>Commissioner Zischkau</b>	<b>Against</b>
<b>Vice Mayor McFall-Conte</b>	<b>For</b>
<b>Mayor Mulder</b>	<b>For</b>

**11. CITY COMMISSION COMMENTS:** None.

**12. CITY ATTORNEY COMMENTS:**

Mayor Mulder asked Mr. Cooney to let the Commission know where the City is with regards to a letter which was received from the Deltona Youth Soccer Club's attorney. Mr. Cooney stated there was a letter that went back and forth between Attorney Darren Elkind and the Acting Assistant Attorney Marsha Segal-George, at the time, about whether the agreement was for consecutive one (1) year terms or for a block of terms. He stated that is the only thing he knows of that has been going back and forth as far as letters from the attorneys.

**13. CITY MANAGER COMMENTS:**

Ms. Miller asked if the Commission would prefer that staff sit down and meet with the Deltona Youth Soccer Club. Mayor Mulder replied he thinks that would be 100% appropriate. He asked that Ms. Miller notice the Commission as to any meetings between the soccer club and staff. He stated that it is not typical for Commission members to get involved in those meetings and he is not going to interject himself in those meetings but, the Commission needed to be made aware of the progress regarding this issue.

Ms. Miller thanked everyone who participated in Relay For Life over the weekend and the City raised \$61,000 for the American Cancer Society which is the highest amount raised by the City to date. She thanked Crystal Harris of Deltona Water who was the Chairperson for the event, all the teams, team captains and everyone who was able to participate.

**14. ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:21 p.m.

**ATTEST:**

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**Dennis Mulder, MAYOR**

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**Joyce Kent, CITY CLERK**